



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,487	04/13/2001	Bhavesh Singh	COMM1100-1	3561

25548 7590 06/30/2006

DLA PIPER RUDNICK GRAY CARY US, LLP
4365 EXECUTIVE DRIVE, SUITE 1100
SAN DIEGO, CA 92121-2133

EXAMINER

WEISBERGER, RICHARD C

ART UNIT PAPER NUMBER

3693

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/834,487	SINGH, BHAVESH	
	Examiner	Art Unit	
	Richard C Weisberger	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. In claim 1, "authorized suppliers" is indefinite. Clarification is requested.
4. In claim 2 and 3, "according to a common criteria" is indefinite as to the nature of the criteria.
5. In claim 6, "coordinating shipping instructions" is vague and indefinite. Clarification is requested.
6. In claim 7, a "subsequent" round is ambiguous as to what constitutes the second round. Clarification is requested.
7. In the claim, "receiving edit information" is vague and indefinite. Clarification is requested.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1-4,7,8, and 11-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Scott et al. US2004/00783507.

As per claim 1 of a method of transacting commerce via a communication network, comprising: providing a website accessible to a plurality of authorized buyers and authorized suppliers of products or services; receiving, in a memory associated with the website, a plurality of purchase orders from the authorized buyers; receiving, in the memory, a plurality of quotes from the authorized suppliers, each quote being responsive to at least one purchase order; processing the purchase orders and quotes to match at least one purchase order with at least one quote; and executing, by a processor connected with the website and according to inputs transmitted to the website from a user associated with the matched purchase order and/or quote, an electronic transaction with data from the matched purchase order and quote. See figure 5 and 9G and accompanying text.

As for claim 2 and 3, wherein processing the purchase orders and quotes includes aggregating two or more purchase orders into an aggregate purchase order according

Art Unit: 3624

to a common criteria and wherein processing the purchase orders and quotes includes aggregating two or more quotes into an aggregate quote according to a common criteria, see paragraphs [0110].

As per claim 4, wherein executing the electronic transaction includes providing, via the website, a communication medium for collaboration between users, wherein the users represent either buyers or suppliers. See figure 5 and 9G and accompanying text.

As per claim 5m, wherein executing the electronic transaction includes coordinating transmission of payment information to the supplier from the buyer via the website, See figure 5 and 9G ,9J and accompanying text

As per claim 6, the method of claim 1, wherein executing the electronic transaction includes coordinating shipping instructions between the buyer and the supplier via the website, see figure 5 and 9G ,9J,9K and accompanying text

As per claim 7, the method of claim 1, wherein executing the electronic transaction includes executing a subsequent round of bidding between at least one buyer and at least one supplier via the website, see figure 5 and 9G ,9J,9K and accompanying text

As per claim 8, the method of claim 7, wherein executing a subsequent round of bidding further includes: soliciting, via the website, requests for bid instructions from selected buyers and/or suppliers, and in response, receiving bid instruction inputs from the

Art Unit: 3624

selected buyers and/or suppliers to execute a subsequent bid, see figure 5 and 9G ,9J,9K and accompanying text, where the subsequent round has been interpreted read on a multiple uses by the same user.

As for claim 11, the method of claim 1, wherein executing the electronic transaction includes executing a confirmation routine to solicit from a buyer or a supplier confirmation of intent to execute the transaction, see figure 5 and 9G ,9J,9K and accompanying text

As for claim 12, the method of claim 1, wherein the purchase order is configured as a request for quotes (RFQ), see figure 5 and 9G ,9J,9K and accompanying text.

As for claim 13, the method of claim 1, further comprising configuring a purchase order template for transmission to one or more authorized buyers, see figure 5 and 9G ,9J,9K and accompanying text

As for claim 14, wherein receiving a plurality of purchase orders includes, for at least one purchase order, receiving data within at least one empty field of the purchase order template, see figure 5 and 9G ,9J,9K and accompanying text.

Art Unit: 3624

The method of claim 15, wherein the purchase order template is stored in the memory after being filled by an authorized buyer, see figure 5 and 9G ,9J,9K and accompanying text.

As per claims 16-20, wherein executing the electronic transaction includes displaying a graphic representation of a product or service associated with a purchase order, further comprising receiving edit information at the website in response to displaying the graphic representation, wherein information is received from a buyer, wherein the edit information is received from a supplier, wherein executing the electronic transaction includes confirming a final version of the graphic representation, see figure 5 and 9G ,9J,9K and accompanying text, where the GUI is the graphical display of the service.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 2,3,5,6,9,10 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 20040073507.

Art Unit: 3624

As for claim 9 wherein executing the electronic transaction includes translating a purchase order and/or quote from an original language posted to the website to at least one other language and claim 10, where executing the electronic transaction includes converting a currency in a purchase order and/or quote from an original currency posted to the website to at least one other currency, the examiner takes official notice that these two modules are well known in the art of ecommerce and that it would have been obvious for one skilled in the art.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard C Weisberger whose telephone number is 571 272 6753. The examiner can normally be reached on during the hours of Maxiflex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vince Millin can be reached on 571 272 6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3624

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 Richard C. Weisberger
Primary Examiner
Art Unit 3624